

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1613 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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K J NARAYAN

Versus

DISTRICT COLLECTOR, AHMEDABAD & ANR.

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Appearance:

None present for the Petitioner

MR HL JANI for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/10/96

ORAL JUDGEMENT

1. The counsel for the respondents no.1 and 2 states that the petitioner has expired on 23rd March, 1987 and no steps have been taken whatsoever by his legal heirs to bring them on record, and as such, this Special Civil Application has abated long back and deserves to be dismissed on this ground. Nobody is here to controvert this fact. In the result, this Special Civil Application

is dismissed as having become abated. Rule discharged. Interim relief, if any, granted by this Court stands vacated.

2. The counsel for the respondents submitted that the interim relief has been granted by this court in terms of para 17(a) on condition that the petitioner would deposit rent at the rate of Rs.20000/- per year. Arrears to be deposited within six months from today. It is a matter under the provisions of Gujarat Public Premises Eviction of Unauthorised Occupants Act. The counsel for the respondents further submitted that the respondents have filed CA No.1973/93 for withdrawal of the amount deposited by the petitioner as rent on condition on which the interim relief has been granted. This CA is not listed on the Board.

3. As this Special Civil Application has been dismissed then naturally whatever amount has been deposited by the petitioner in pursuance of the order dated 19th March, 1986 towards the rent at the rate of Rs.20000/- per year has to be refunded to the respondent no.1. Order accordingly. In view of this order, CA No.1973/93 also stands disposed of.

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zgs/-